

**Introduced by Senator Ortiz**

February 18, 2005

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An act to add Section 13113.6 to the Health and Safety Code, relating to fire protection.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 516, as introduced, Ortiz. Fire protection: adult residential facility: residential care facility for the elderly.

Existing law establishes the State Fire Marshal within the Department of Forestry and Fire Protection and sets forth its duties, including, but not limited to, administering provisions relating to inspection and approval of fire protection measures for health and community care facilities.

Existing law, with certain exceptions, prohibits a person, firm, or corporation, from establishing, maintaining, or operating any hospital or other specified care facility for more than 6 guests or patients, and prohibits the operation of a residential care facility for the elderly licensed to care for more than 6 persons, unless it has, among other things, an automatic fire sprinkler or extinguishing system approved by the State Fire Marshal. Existing law places responsibility for enforcing State Fire Marshal building standards upon prescribed local agencies and provides for the assessment of related inspection fees. Violation of provisions related to fire protection requirements is a crime.

This bill would require adult residential facilities and residential care facilities for the elderly, as defined, that house or care for no more than 6 clients or residents, to have an approved, operable automatic fire sprinkler system on and after January 1, 2011, if they are licensed as of January 1, 2007. The bill would require every facility for which a license is newly issued on or after January 1, 2007,

to have an approved, operable automatic fire sprinkler system on and after the date of issuance. The bill would require the State Fire Marshal to adopt regulations to implement these provisions by January 1, 2007, including addressing those fire safety features no longer required of a licensee after an operable automatic fire sprinkler system has been installed and maintained. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 13113.6 is added to the Health and
- 2 Safety Code, to read:
- 3 13113.6. (a) As used in this section, “facility” means any of
- 4 the following:
- 5 (1) An adult residential facility, as defined in paragraph (1) of
- 6 subdivision (a) of Section 1502.
- 7 (2) A residential care facility for the elderly, as defined in
- 8 subdivision (k) of Section 1569.2.
- 9 (b) Every facility having a valid license as of January 1, 2007,
- 10 to house or care for no more than six clients or residents, shall
- 11 have installed and maintained on and after January 1, 2011, an
- 12 operable automatic fire sprinkler system approved by the State
- 13 Fire Marshal.
- 14 (c) Every facility for which a license is newly issued after
- 15 January 1, 2007, to house or care for no more than six clients or
- 16 residents, shall have installed and maintained on and after the
- 17 date of issuance an operable automatic fire sprinkler system
- 18 approved by the State Fire Marshal.
- 19 (d) By January 1, 2007, the State Fire Marshal shall adopt
- 20 regulations to implement this section, including addressing those
- 21 fire safety features no longer required of a licensee after an

1 operable automatic fire sprinkler system is installed and  
2 maintained.

3 (e) A public water agency shall not interpret this section as  
4 changing the status of a facility from a residence entitled to  
5 residential water rates.

6 SEC. 2. No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the  
11 penalty for a crime or infraction, within the meaning of Section  
12 17556 of the Government Code, or changes the definition of a  
13 crime within the meaning of Section 6 of Article XIII B of the  
14 California Constitution.